



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3501 FAX (603) 271-6683



Elmer and Janice Franson
PO Box 400
W. Ossipee, NH 03890

RE: Wabanaki Campground, Freedom

ADMINISTRATIVE ORDER

No. WD 2001-03
February 20, 2001

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division, to Elmer and Janice Franson, pursuant to RSA 485-A:42. This Order is effective on issuance.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal offices at 6 Hazen Drive, Concord, New Hampshire.
2. Elmer and Janice Franson are individuals having a mailing address of PO Box 400, West Ossipee, NH 03890.

C. STATEMENT OF FACTS

1. RSA 485-A:29-44 authorizes DES to regulate the subdivision of land and the construction, maintenance, and repair/replacement of individual subsurface sewage disposal systems ("septic systems") thereon. Pursuant to rulemaking authority conferred thereby, the Commissioner of DES has adopted Env-Ws 1000 to implement this program.
2. RSA 482-A:29 requires plans to be submitted for approval by DES for subdivisions and septic systems.
3. Env-Ws 1005.12(e) requires recreational campgrounds to obtain subdivision approval to ensure that the site is capable of handling the volume of wastewater proposed to be discharged thereto. Env-Ws 1005.12(a)-(c) requires recreational campgrounds to provide septic systems for all sites at which pressurized water hook-ups are available and to provide appropriate means for sanitary waste disposal at all other sites. Env-Ws 1005.12(d) provides that campgrounds in operation prior to September 5, 1990 must comply with these requirements no later than September 5, 2000.
4. Elmer and Janice Franson are the owners of record of certain property located at Lake Ossipee Road, in the town of Freedom, NH, known as the Wabanaki Campground, and more particularly

described in the Town of Freedom tax maps as Map #20, Lot #2 ("the Property").

5. According to DES records, the Property has 80 long-term campsites, none of which have received subdivision approval.
6. According to DES records, none of the sites at the Property has been provided with septic systems or other appropriate means of sanitary waste disposal.
7. On May 9, 2000, DES notified Elmer and Janice Franson by certified letter, return receipt requested, that DES records indicated that the Property contained no campsites served by DES-approved wastewater disposal systems.
8. By certified letter dated September 19, 2000, DES notified Elmer and Janice Franson of the need to comply with Env-Ws 1005.12. To date, DES has received no application for subdivision or for any septic systems for the Campground from or on behalf of Elmer and Janice Franson.

D. DETERMINATION OF VIOLATIONS

1. Elmer and Janice Franson have violated RSA 485-A:29 by failing to obtain subdivision approval for the Property.
2. Elmer and Janice Franson have violated RSA 485-A:29 by failing to obtain construction and operational approvals for septic systems for the campsites at the Property.

E. ORDER

Based upon the above findings and determinations, DES hereby orders Elmer and Janice Franson as follows:

1. Immediately cease operation of all campsites at the Property.
2. Obtain subdivision approval for the Property from DES by February 28, 2001.
3. Obtain construction approval for all campsites at the Property by March 15, 2001.
4. Obtain operational approval for all septic systems for the Property by April 10, 2001.

Please address any correspondence to:

Richard J. de Seve
DES Water Division - Subsurface Systems Bureau
PO Box 95, 6 Hazen Drive
Concord, NH 03302-0095
Fax: (603) 271-6883

Email: rjdeseve@des.state.nh.us

F. APPEAL

Any person aggrieved by this Order may appeal the Order to the Water Council, by filing an appeal that meets the requirements of Env-WC 200. Copies of the rules are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing this Order does not automatically relieve Elmer and Janice Franson of their obligation to comply with this Order.

A copy of this Order is being sent to the Carroll County Registry of Deeds for recordation so as to run with the land.

Please note that RSA 485-A:43, IV provides for civil and criminal penalties and administrative fines for the violations noted in this Order, as well as for failure to comply with this Order.

Please be advised that, if you fail to obtain the approvals cited in Section E. Order above by the April 10, 2001 deadline, DES will request that the New Hampshire Department of Justice seek an injunction in the Carroll County Superior Court to prevent the opening of the Wabanaki Campground in 2001.

COPY

Harry T. Stewart, P.E., Director
Water Division
Department of Environmental Services

COPY

Robert W. Varney, Commissioner
Department of Environmental Services

RWV/HTS/RJD

CERTIFIED MAIL/RRR/P 7099 3400 0003 0695 9118

cc: Michael Walls, Esq., NHDOJ

Gretchen Rule, Esq., DES Enforcement Coordinator

Board of Selectmen, Town of Freedom

Carroll County Registry of Deeds